

# **MEMO: Fact Checking the Trump Administration's Attempt to Re-write its Native American Record, False Promises to Tribes**

**FROM:** U.S. Senate Committee on Indian Affairs, Office of the Vice Chairman, Senator Tom Udall  
**TO:** Interested Parties  
**RE:** Fact Checking the Trump Administration's Attempt to Re-write its Native American Record, False Promises to Tribes

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The Trump White House's newly-released "Putting America's First Peoples First: Forgotten No More!" document attempts to re-write its record on Native American issues in numerous misleading ways. The Trump administration claims credit for work primarily achieved by Senate and House Democrats to advance Indian Country priorities and ignores the damage the administration has wrought across Indian Country.

**TRUMP CLAIM- "Respecting Tribal Sovereignty and Self-Determination: The Trump Administration is committed to respecting Tribal sovereignty and will continue to empower Native American communities with the resources they need to promote self-determination."**

**FACT: The Trump administration has expressed views that challenge the unique legal status of Tribes and has attempted to remove Tribal lands from federal trust, while consistently desecrating sacred Tribal land on behalf of corporate polluters.**

- The Trump administration has made multiple statements expressing views that reject the well-established legal status of Tribes and imply programs and regulatory considerations for Tribes are "race based," including in one of the president's [first signing statements](#) in 2017 and a [letter to Tribal leaders](#) from the Centers for Medicaid and Medicare Services in 2018.
- The Trump administration failed to reestablish President Obama's White House Council on Native American Affairs for the first three years of the president's term despite repeated requests from Indian Country. It has never convened a White House Tribal Leaders Conference.
- Udall worked to pass the PROGRESS Act, a bipartisan bill that will strengthen local control for federally-administered Tribal programs. While the president signed the bill, he issued a signing statement citing concerns with the Act and implying he would prioritize his own Executive Orders over Tribal self-determination.
- On March 27, just as the COVID-19 pandemic set in, the Trump Bureau of Indian Affairs (BIA) [informed the Mashpee Wampanoag Tribe](#) that its reservation will be disestablished and its lands taken out of trust. Not since the shameful Termination Era has any Tribe had their homelands removed from federal trust.
- The Trump administration has made it more difficult for Tribes to rebuild their homelands. When Trump's Interior Department issued new guidance complicating the process of taking land into trust under Section 5 of the Indian Reorganization Act of 1934, U.S. District Court Judge Paul Friedman described it as ["one of the worst-written documents I've ever read from any government agency."](#) Judge Friedman further noted, "I don't know how anyone could take that as guidance, because it's incomprehensible and so convoluted that it couldn't guide any lawyer in the field."
- Against the fierce protests of the Tohono O'odham Nation, the Trump administration has destroyed sacred and burial sites on Tribal ancestral homelands to build the president's ineffective border wall, in violation of the federal trust responsibility. And on Indigenous Peoples' Day, the Trump administration [even resorted to using tear gas](#) and rubber bullets on peaceful protestors at these locations.

**TRUMP CLAIM: “Promoting Safe Communities: President Trump is committed to increasing public safety in Indian Country—particularly by continuing to find solutions to longstanding challenges like missing and murdered Native Americans and the opioid and meth crises.”**

**FACT: The Trump administration and Senate Republicans have [refused to reauthorize the Violence Against Women Act \(VAWA\)](#), which would restore Tribes’ authority to bring violent offenders to justice, give Tribal public safety systems more tools, and keep Native communities safe. By contrast, Senate Democrats have been instrumental in recent legislative victories that will help protect public safety for Native American women and girls.**

- The Trump administration has repeatedly proposed cutting Tribal public safety, substance abuse, and victim services budgets.
- The Senate has led the way on federal action to address the Missing and Murdered Indigenous Women (MMIW) crisis, but the Trump administration is attempting to take credit for that work. For example, a bipartisan group of senators have filed resolutions to designate May 5th as a national day for MMIW awareness since 2016, but President Trump did not declare a similar designation until his third year in office. Similarly, a bipartisan group of senators have fought to enact the Not Invisible Act and Savanna’s Act, two bills that improve MMIW coordination between federal agencies and law enforcement agencies, since 2017 and 2018, respectively. President Trump did not exercise his authorities to convene federal stakeholders to address MMIW until 2019.

**TRUMP CLAIM: “Building a Thriving Economy with Improved Infrastructure: President Trump will support improved business opportunities and infrastructure in Indian Country so that all Americans benefit from the country’s historic economic prosperity.”**

**FACT: The Trump administration excluded many Tribal businesses from emergency coronavirus relief funds, and has failed to put forward any substantive plans or proposals to improve economic opportunity in Tribal communities.**

- The Trump Small Business Administration practically [excluded Tribal small businesses from the first round of applications for Paycheck Protection Program \(PPP\)](#) loans, throwing up regulatory barriers that resulted in denying Tribal businesses and governments the revenue needed to stay afloat during the intense coronavirus shutdown.
- The Trump administration has repeatedly proposed eliminating the Indian loan guarantee program at the Department of the Interior. This program is vital to securing private investments in Indian Country.
- In contrast, the Senate has advanced concrete proposals to support economic growth in Native communities – including the newly enacted [Native American Business Incubators Program Act](#) led by Udall and **U.S. Representative Deb Haaland (D-N.M.)**. This new law creates a competitive grant program within the Department of the Interior to establish and fund business incubators that will assist in cultivating Native American-owned small businesses.

**TRUMP CLAIM: “Honoring Native American Heritage and Improving Education: Working with Tribal leaders, President Trump will continue to ensure respect for Native American heritage and will provide children with access to high-quality education options that are consistent with Tribal traditions, languages, and culture.”**

**FACT: The Trump administration has put the interests of corporate polluters over Tribal concerns, attempting to open sacred lands to resource exploitation. The administration has further attempted to cut funding for Tribal schools and education.**

- Just this month, President Trump disavowed recognition of Indigenous Peoples’ Day. When discussing whether he would support recognition of the day meant to honor the heritage and contributions of Native peoples to the U.S., he said, [“Not as long as I’m president.”](#)

- The Trump administration attempted to rip away protections for Bears Ears and Grand Staircase-Escalante National Monuments, public lands that contain countless antiquities and sites sacred to many Tribes. [Udall has led the fight in Congress](#) and in the courts to defend these sacred places from encroachment.
- The Trump administration is currently attempting to open land surrounding world heritage site and ancestral home to Southwest Tribes at Chaco Canyon to oil and natural gas exploration. Alongside Native communities, Udall and the New Mexico delegation have fought the attempts, and secured a \$1 million ethnographic study to be led by Tribes to guide land management agencies at Chaco Canyon. [But the administration is moving forward](#) on development without the study and against the Tribes' wishes.
- The Trump administration has repeatedly proposed cutting funding for Native education programs – including a budget request that would zero out funding for Bureau of Indian Education facilities.
- The Trump administration has made no requests to increase investments in Native languages. In contrast, the Senate has provided increased funding to support Native languages for the past several years, and ushered through Udall's legislation to reauthorize the Esther Martinez Native American Languages Programs, now law.
- Udall is also leading the PROTECT resolution and partnering on the *STOP Act* with **Senator Martin Heinrich (D-N.M.)** in the Senate to protect and repatriate Tribal cultural items.

**TRUMP CLAIM: “Delivering Better Health: President Trump will prioritize long-unresolved healthcare challenges in Indian Country that have prevented better health for Native Americans.”**

**FACT: The Trump administration presents one of the clearest threats to the health of Native communities across the country. Its policies have attempted to gut funding for Native health systems, strip health care access from millions of Native families, and leave Tribes without the tools they need to respond to the COVID-19 pandemic.**

- Despite acknowledging that Affordable Care Act provisions are critical for Native health, including Native veterans' health care access, the Trump administration is on a mission to destroy the Affordable Care Act (ACA). Tribal leaders have [repeatedly made clear](#) the ACA is a [critical lifeline](#) for Native communities to access health care.
- The Trump administration and Senate Republican leaders ignored Tribes during initial negotiations on COVID-19 relief—[requesting \\$0 for Tribes](#) that are bearing some of the worst consequences of the pandemic. [Udall and Senate Democrats fought to secure over \\$10 billion](#) in targeted funding for Tribal governments in the CARES Act to address pandemic needs.
- The Trump administration has repeatedly proposed cutting funding for the Indian Health Service and zeroing out the only existing Tribal budget item at the Centers for Disease Control.
- The Trump administration has sought to divert money from the IHS community health representative program and remove the mandatory status of Special Diabetes Program for Indians funding.